THE UNITED STATES BANKRUPTCY CLERKS' OFFICS FOR THE NORTHERN AND SOUTHERN DISTRICTS OF WEST VIRGINIA

WEST VIRGINIA BANKRUPTCY AND COMMERCIAL LAW SEMINAR

May 20, 2022

Charleston, West Virginia

Lesley Hoops, Bankruptcy Clerk, S.D.W. Va.

Ryan Johnson, Bankruptcy Clerk, N.D.W. Va.

Biographical Information

- Lesley Hoops: Lesley Hoops joined the Court in 2014 serving the Honorable Ronald G. Pearson as a Law Clerk via special appointment to assist with the Freedom Industries Chapter 11 case. She then transitioned to the Clerk's office appointed as Administrative Manager by the Honorable Frank Volk and tasked with compliance, budget, and finance oversight, the court's various procurement responsibilities, and management of staff. In 2020, Lesley was appointed as Clerk of Court by the Honorable B. McKay Mignault where she continues to serve the Southern District of WV. Lesley's early career was spent at Samuel I. White, PC where she served as local counsel for national lending institutions. Lesley specialized in bankruptcy, creditors rights, and consumer defense litigation; including appearances at the WV Supreme Court. Lesley quickly advanced at Samuel I. White, PC to serve as the WV Bankruptcy and Eviction Teams' Lead Attorney. Lesley is a lifelong resident of WV, attending undergraduate at Marshall University graduating with BBA, emphasis on Accounting. Lesley briefly left West Virginia to attend law school at Western Michigan Thomas Cooley Law School. As mother to 8 year-old daughter Abby, Lesley spends her free time at dance competitions and horse shows, for which she is thrilled at the opportunity to do so.

- Ryan W. Johnson: B.A., Virginia Tech 1997, J.D. Loyola School of Law – New Orleans 2001. Admitted to practice: Louisiana (2001 – inactive), Missouri (2003), Kansas (2003 – inactive), North Carolina (2005 – inactive), West Virginia (June 7, 2022)!! Prior bankruptcy law experience: Law Clerk, U.S. Bankruptcy Court, W.D. Missouri (2003-04), Law Clerk U.S. Bankruptcy Court, M.D.N.C. (2004-06), Law Clerk Assistance Program, U.S. Bankruptcy Court D. Del. (2005-06), Law Clerk, U.S, Bankruptcy Court, N.D.W. Va. (2006-2011), Clerk of Court, U.S. Bankruptcy Court, N.D.W. Va. (2011-present). Mr. Johnson regularly attends Bankruptcy Court Operations forms, participates in the National Conference of Bankruptcy Clerks, and is versed in all aspects of bankruptcy court administration and operations. Mr. Johnson publishes local practice guides and forms, serves on Local Rules and Forms Committees, and is a regular contributor to the American Bankruptcy Institute Law Journal, having published numerous articles on bankruptcy law and practice, including his most recent article, Clerk Commentary, "*Reservation of Assets Post-Closing*," 41-__ ABIJ (May 2022).

Table of Contents

1. District and Divisional Venue

Each year, the Bankruptcy Court for the Northern District of West Virginia accepts and adjudicates cases filed by individuals that reside in a different filing district. Primarily, these cases come from Ohio, Pennsylvania, Maryland, Virginia, and the Southern District of West Virginia. In nearly all instances, these are consumer cases and bankruptcy counsel chooses to file in this District as the most convenient forum. To facilitate the administration of cases filed out of venue, the Bankruptcy Clerk has promulgated the following guidance to assist parties. This guidance is informational only, is based on past practices, and may not reflect the presiding judge's preferences in future cases.

A. Venue Overview

1. Venue Generally

Venue for federal court cases is set forth in Chapter 87 of Title 28 of the United States Code. The term "venue," as defined by § 1390(a), "refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject matter jurisdiction of the district courts in general . . . ."

The general federal venue statute – for all diversity and federal question subject matter jurisdiction civil cases – is 28 U.S.C. § 1391, which generally provides that venue is proper based on the location of the defendant's residence, where the events occurred, and if nowhere else, where the defendant is subject to the court's personal jurisdiction. "In most instances, the purpose of statutorily specified venue is to protect the defendant against the risk that a plaintiff will select an unfair or inconvenient place of trial." *Leroy v. Great W. United Corp.*, 443 U.S. 173, 194 (1979).

Unlike the general federal civil litigation venue statue that focuses on the physical location of the defendant, a bankruptcy petition is, in nearly all cases, a voluntary undertaking having a body of interested parties without any named defendant. Accordingly, venue for cases under title 11 may be commenced in the district court for the district where the debtor resides. § 1408. In total, there exists five alternative "proper" venue choices under § 1408: the district in which the person or entity: (a) has his or her principal place of business, (b) resides, (c) is domiciled, (d) where the individual's principal assets in the United States are located, or (e) anywhere there is a pending case under title 11 concerning such person's affiliate, general partner, or partnership. These alternatives reflect a forum that is most convenient for the parties in interest to a bankruptcy petition.

2. Venue is Unrelated to Subject Matter Jurisdiction and is a Personal Right that may be Waived

Bankruptcy court subject matter jurisdiction is determined under 28 U.S.C. § 1334. Venue for a bankruptcy petition is determined by § 1408, the venue provision may be waived, and venue is unrelated to subject matter jurisdiction. *E.g.*, *Hunt v. Bankers Trust Co.*, 799 F.2d 1060, 1068 (5th Cir. 1986) ("Venue is a privilege personal to a litigant, and, even when venue is laid in a court where it would otherwise be improper, it may be waived by express agreement or by conduct. The venue provisions relating to bankruptcy are no more sacred."). Like a bankruptcy petition, venue for an adversary proceeding is also a personal right subject to waiver. *E.g.*, Fed. R. Civ. P.

12(b)(3); (h)(1); Fed. R. Bankr. P. 7012; *Sucampo Pharms., Inc. v. Astellas Pharma, Inc.*, 471 F.3d 544 (4th Cir. 2006) (improper venue is waived if not timely raised); 2 *Moore's Federal Practice* – Civil § 12.32[2] (Matthew Bender 2015) ("Because a defendant may waive an objection to venue, and may do so merely by failing to object in timely fashion, the district court should not raise venue issues or dismiss for improper venue sua sponte.").

3. Transfer of Venue

For general civil litigation, venue may be transferred under 28 U.S.C. § 1404. Under § 1404(a), "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented."

Unlike venue transfer for general civil litigation, venue transfer for a bankruptcy petition is accomplished under § 1412. That statute provides that a district court may transfer a case or proceeding under title 11 to a district court for another district in the interests of justice or for the convenience of the parties. *See also* Fed. R. Bankr. P. 1014(a)(1) (same). Thus, the transfer does not have to be to a district that would have been proper in the first instance, and the transfer does not have to be by consent of all the parties. *E.g.*, *Thompson v. Greenwood*, 507 F.3d 416, 422 (6th Cir. 2007) ("[A] case that is properly venued in the first instance could be transferred to another district (even one where the case could not originally have been brought) in accordance with § 1412 and Rule 1014(a)(1).").

4. When Venue is Improper Upon Filing

As a general rule, bankruptcy petitions should be filed in their proper district under 28 U.S.C. § 1408. However, the extent to which a bankruptcy judge may remain silent when a case is filed in an improper venue – to allow venue by consent – is a matter of judicial discretion. Some judges adhere to a sua sponte transfer of venue rule without allowing an opportunity for waiver of proper venue by consent. *E.g.*, *In re Langston*, 291 B.R. 872, 877 (Bankr. N.D. Ala. 2003) ("The debtors have advanced no argument to persuade this Court that it lacks authority to correct venue that is improper according to statute simply because no objection has been filed.").

Other judges will remain silent when a case is filed in an improper venue to ascertain if any party in interest objects. Of course, silence and consent generally do not generate reported decisions. Several cases exist, however, where a bankruptcy judge has exercised discretion to retain a case in an improper venue – even over an objection by a party in interest. *E.g.*, *In re Jordan*, 313 B.R. 242 (Bankr. W.D. Tenn. 2004) (chastising the U.S. Trustee for filing a motion to transfer venue when no creditor or other party in interest objected to venue in the Western District of Tennessee and holding that the case could remain in the district for the convenience of the parties), *rev'd*, *Thompson v. Greenwood*, 507 F.3d 416, 422 (6th Cir. 2007); *In re Lazaro*, 128 B.R. 168, 170-71 (Bankr. W.D. Texas 1991) (retaining a case filed out of venue over the objection of a party).

According to 2 *Moore's Federal Practice* – Civil § 12.32[2] (Matthew Bender 2015), "[b]ecause a defendant may waive an objection to venue, and may do so merely by failing to object in timely fashion, the district court should not raise venue issues or dismiss for improper venue sua sponte."

The 1987 Advisory Committee Note to Fed. R Bankr. P. 1014(a)(2) recognizes that "[i]f a timely motion to dismiss for improper venue is not filed, the right to object to venue is waived."

For general civil litigation, 28 U.S.C. 1406 requires the district court overseeing a case filed out of venue under § 1391 to "dismiss, or if it be in the interest of justice, transfer such case to any district or division where it could have been brought." For bankruptcy petitions, there is no provision in the United States Code specifically governing the actions of the district court when the bankruptcy petition is originally filed in a district other than one specified in § 1408. Instead, Federal Rule of Bankruptcy Procedure 1014(a)(2) applies. That Rule states:

> (2) Cases filed in Improper District. If a petition is filed in an improper district, the court, on the timely motion of a party in interest or on its own motion, and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, may dismiss the case or transfer it to any other district if the court determines that transfer is in the interest of justice or for the convenience of the parties.

Significantly, the Rule requires a timely motion by a party in interest or specific court action; thus, the Rule deviates from 28 U.S.C. § 1406, which requires no such motion. Upon objection to venue, many courts deem Fed. R. Bankr. P. 1014(a)(2) to be mandatory: the original bankruptcy court may not retain the case over a timely filed objection.[1] Other courts view Rule 1014(a)(2) as rulemaking overreach to the extent it was designed to make 28 U.S.C. § 1406 applicable to bankruptcy petitions and require transfer or dismissal of a case filed in an improper venue. *E.g.*, *In re Lazaro*, 128 B.R. 168, 170-71 (Bankr. W.D. Texas 1991) (holding that the court may retain jurisdiction over a case in an improper venue because Fed. R. Bankr. P. 1014(a)(2) "goes considerably beyond the language of the statute which it was designed to implement . . . [and] engrafts onto Section 1412 the remedial provisions of Section 1406 of Title 28, even though the structure of the various venue provisions reflects an apparent congressional intent to devise special rules for venue in bankruptcy cases distinct from the general venue rules applied to general civil litigation filed in federal courts.").

When venue is originally proper, and a party seeks to transfer venue to any other district (whether originally proper or not), courts have traditionally looked at six factors, listed below. By extension, when a debtor's attorney is contemplating filing a case in an originally improper venue, the attorney may consider the application of the below factors in weighing whether a party in interest or the presiding judge may object. In other words, if the attorney believes that filing in this District would promote the efficient administration of the bankruptcy estate, judicial economy, timeliness, and fairness, then, historically, those cases have been adjudicated in this District by consent.

[1] Although Fed. R. Bankr. P. 1014(a)(2) is written using the permissive "may" language, it has been interpreted as "shall" due to a 1984 change in the United States Code that eliminated 28 U.S.C. § 1477, which specifically allowed a bankruptcy court to retain a case filed in an improper venue for the convenience of the parties. This retention language was not carried over to the new change of venue statute -- § 1412. *See, e.g.*, *In re Berger*, No. 12-72670, 2013 Bankr. LEXIS 2233 (Bankr. E.D. Va. May 31, 2013) ("The rule does not allow for any judicial discretion; if venue is improperly laid in this district then this Court must either transfer or dismiss the case.").

(1) the proximity of creditors of every kind to the court,

(2) the proximity of the bankruptcy (debtor) to the court,

(3) the proximity of the witnesses necessary to the administration of the estate,

(4) the location of the assets,

(5) the economic administration of the estate and

(6) the necessity for ancillary jurisdiction if bankruptcy should result.[2]

E.g., *Gulf States Exploration Co. v. Manville Forest Prods. Corp. (In re Manville Forest Prods. Corp.)*, 896 F.2d 1384, 1391 (2d Cir. 1990) ("The 'interest of justice' component of § 1412 is a broad and flexible standard . . . [i]t contemplates a consideration of whether transferring venue would promote the efficient administration of the bankruptcy estate, judicial economy, timeliness, and fairness."). *In re Commonwealth Oil Refining Co.*, 596 F.2d 1239, 1247 (5th Cir. 1979) ("[T]he most important consideration is whether the requested transfer would promote the economic and efficient administration of the estate."); *In re Lakota Canyon Ranch Dev.*, No. 11-03739, LLC, 2011 Bankr. LEXIS 4652 (Bankr. E.D.N.C. June 21, 2011) (applying the factors).

B. Venue by Consent: Form of the Request

1. District Venue

   a. No motion by the debtor to file out of venue is required when a debtor files a bankruptcy petition in the Bankruptcy Court for the Northern District of West Virginia. The Notice of Bankruptcy Case, Meeting of Creditors & Deadlines, mailed to all creditors on the mailing matrix by the Clerk's Office, contains the name of the Court, the Debtor's case number, and the address of the debtor. The local form also includes a deadline for creditors to file an objection to district venue. The applicable deadline is 21 days following the date first set for the meeting of creditors.

   b. Contemporaneous with the filing of the petition, a debtor may elect to file a motion to file the petition out of venue. No such motion is required by the court or Clerk's Office. If a debtor does file such a motion, the debtor must serve the motion on the mailing matrix, and include a notice with the motion that the applicable objection period is 21 days from the date first set for the § 341 meeting of creditors.

2. Divisional Venue

[2] In the Northern District of West Virginia, ancillary, or supplemental jurisdiction under 28 U.S.C. § 1367 is not a basis of jurisdiction for the bankruptcy court. *Johnston v. Valley Credit Servs. (In re Johnston)*, No. 05-6288 2007 Bankr. LEXIS 1174 (Bankr. N.D.W. Va. April 12, 2007).

a. The Bankruptcy Clerk's Office runs an automated program overnight that assigns the chapter trustee and judge to the case and issues the notice of the meeting of creditors. Once the notice of the meeting of creditors is entered, the bankruptcy court is unlikely to consider and grant a motion to change divisional venue as doing so would require a resetting of the meeting of creditors, the issuance of a second notice, and the resetting of the objection to discharge / exception to discharge dates. After the meeting of creditors is held, however, the Clerk's Office or the court may schedule hearings in a division different from the division of origin for the convenience of the court and/or the parties.

b. A debtor wishing to transfer divisional venue may file a motion to transfer divisional venue with the petition. When doing so, the debtor should call the Clerk's Office so that the automated program that issues the notice of the meeting of creditors may be turned off for the case. The court may consider the motion ex parte.

c. When filing a case, an attorney for the debtor may choose the divisional venue of choice through their software provider, or, in manual case filing in CM/ECF, by choosing "out of country" as the debtor's county of residence, which, in CM/ECF version 5.1, will allow the attorney to pick the divisional venue of choice. The county of residence will be corrected by the Clerk's Office when the case is quality checked.

d. The sole Chapter 13 trustee for this District has stated to the Clerk's Office that she has no preference regarding the divisional venue of a Chapter 13 case. On inquiry to the primary Chapter 7 trustees for this District, the trustees stated to the Clerk's Office that they had no objection to debtor's counsel occasionally choosing a divisional venue other than that of the debtor's residence. Because there is only one bankruptcy judge for this District, no danger exists of "judge shopping."

e. Divisional Venue for cases originating outside of the Northern District of West Virginia, depending on the county of origin, are sometimes automatically assigned a division in the CM/ECF System, and other times the division is manually set by the Clerk's Office.

<u>Automatically Assigned via CM/ECF</u>:

Allegany MD	Martinsburg
Cecil, MD	Martinsburg
Frederick, MD	Martinsburg
Garrett, MD	Martinsburg
Montgomery, MD	Martinsburg
Washington, MD	Martinsburg
Ashland, OH	Wheeling
Belmont, OH	Wheeling

Carroll, OH	Wheeling
Columbiana, OH	Wheeling
Cuyahoga, OH	Wheeling
Harrison, OH	Wheeling
Jefferson, OH	Wheeling
Monroe, OH	Wheeling
Trumbull, OH	Wheeling
Tuscarawas, OH	Wheeling
Washington, OH	Wheeling
Beaver, PA	Wheeling
Washington, PA	Wheeling
Cumberland, PA	Martinsburg
Franklin, PA	Martinsburg
Fulton, PA	Martinsburg
Frederick, VA	Martinsburg

Manually Assigned by Clerk's Office:

All other counties (for cases opened manually, the divisional assignment for the meeting of creditors will most likely be the division chosen by the attorney in CM).

b. Objection to Venue

1. District Venue

   a. Parties in interest have 21 days from the date first set for the § 341 meeting to file a motion and proposed order to transfer district venue with the Clerk. This deadline is set forth in the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines. On the filing of a motion to transfer venue filed by a party in interest, the Clerk will generally issue a 21-day notice of time to object to the debtor, the debtor's attorney, the case trustee (if any), and the United States trustee.

   b. When a debtor files amended schedules, the debtor is obligated to serve the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines on the newly added creditor.

c. Transferring Venue to a Different District

1. Should the Court grant a motion to transfer a case to a different district venue, pending matters will generally not be considered by this court. Pending matters will be the responsibility of the court of transfer.

2. The Clerk will transfer the case via CM/ECF to the recipient court. So long as the case is still open in this District, parties may continue to file documents in the case. Once the Clerk transfers the case to the recipient district, the case in this District is closed, and all

further filings should be made in the recipient court. The order closing the case in this District should contain the new case number in the recipient court.

2. eSR (Electronic Self-Representation)

Home

Electronic Self-Representation (eSR) Bankruptcy Petition Preparation System for Chapter 7

Official Time of Filing

The official time of filing is when a document is entered and docketed in CM/ECF, regardless of the filing method (in person, electronically through CM/ECF, or through eSR).

THIS ONLINE TOOL IS FOR SELF-REPRESENTED DEBTORS ONLY

Bankruptcy has serious long-term financial and legal consequences and hiring a competent attorney is strongly recommended. The Bankruptcy Court is not permitted to provide legal advice. Individuals filing for bankruptcy without an attorney are still responsible for knowing and following all of the legal requirements.

What is eSR?

- **eSR** is an online tool to help individuals complete a chapter 7 bankruptcy petition when they have decided to file bankruptcy without an attorney.

Who can use eSR?

- Individuals who wish to file a bankruptcy petition and who live in the Northern District of West Virginia can use **eSR**.
- Important Note: **eSR** is not available to attorneys or bankruptcy petition preparers. **eSR** is not designed for business or corporate bankruptcy filings. **eSR** is only available for chapter 7 filings.

How do I use eSR?

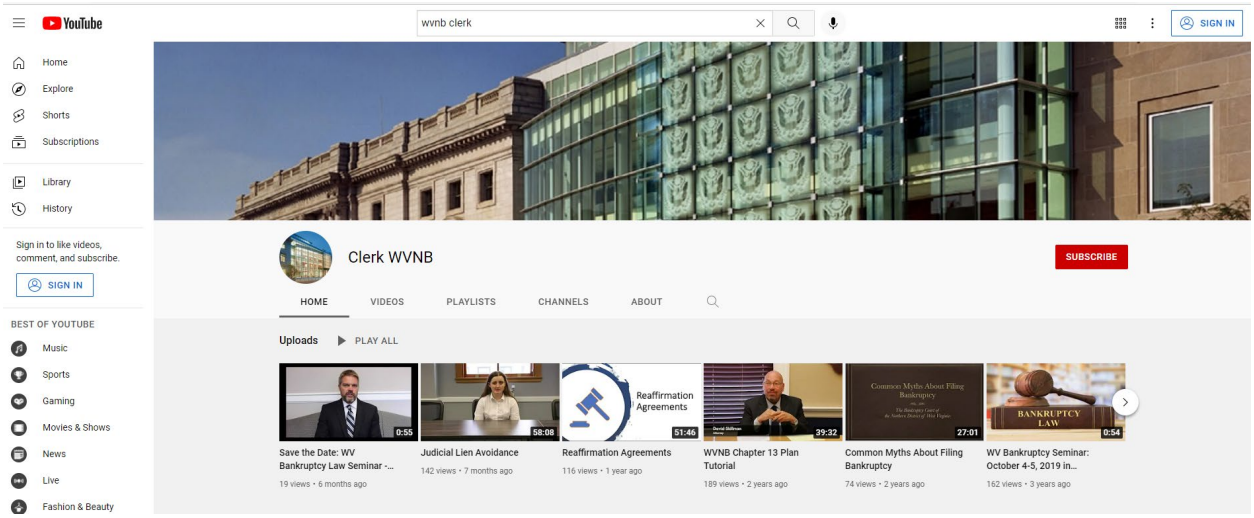
- Obtain credit counseling from a court-approved credit counseling agency. The law requires credit counseling before filing bankruptcy.
- Collect all of your financial documents before you begin.
- Create a user profile, unique login, and password.
- Answer questions about your property, income and debts.
- Complete and sign the **eSR** Declaration form.
- Submit or mail the Declaration form, Statement of Social Security Number, and filing fee to the bankruptcy court.
- Note: An automatic stay (injunction) is **NOT** in effect until a bankruptcy case number is issued by the bankruptcy court.
- Note: A bankruptcy petition **WILL NOT BE FILED** until the Declaration Form and the Statement of Social Security Number are received by the court.

You may get started using eSR: for Chapter 7, click here

eSR Computer Requirements

- Internet connection.
- Adobe Reader (version 8 or higher).
- Pop-up blocker must be disabled.
- Printer.
- Browser requirements - It is recommended that you use the **latest version** of Mozilla Firefox, Internet Explorer, Chrome or Safari.

3. Clerks' Office Educational Resources


YouTube
wvnb clerk
SIGN IN
Home
Explore
Shorts
Subscriptions
Library
History
Sign in to like videos, comment, and subscribe.
SIGN IN
BEST OF YOUTUBE
Music
Sports
Gaming
Movies & Shows
News
Live
Fashion & Beauty
Clerk WVNB
SUBSCRIBE
HOME
VIDEOS
PLAYLISTS
CHANNELS
ABOUT
Uploads
PLAY ALL
0:55
Save the Date: WV Bankruptcy Law Seminar -...
19 views • 6 months ago
58:08
Judicial Lien Avoidance
142 views • 7 months ago
Reaffirmation Agreements
51:46
Reaffirmation Agreements
116 views • 1 year ago
39:32
WVNB Chapter 13 Plan Tutorial
189 views • 2 years ago
Common Myths About Filing Bankruptcy
27:01
Common Myths About Filing Bankruptcy
74 views • 2 years ago
BANKRUPTCY LAW
0:54
WV Bankruptcy Seminar: October 4-5, 2019 in...
162 views • 3 years ago

4. December 1, 2022 Change to Fed. R. Bankr. P. 7004

Rule 7004. Process; Service of Summons, Complaint

* * * * *

(i) SERVICE OF PROCESS BY TITLE. This subdivision (i) applies to service on a domestic or foreign corporation or partnership or other unincorporated association under Rule 7004(b)(3) or on an officer of an insured depository institution under Rule 7004(h). The defendant's officer or agent need not be correctly named in the address – or even be named – if the envelope is addressed to the defendant's proper address and directed to the attention of the officer's or agent's position or title.

Committee Note

New Rule 7004(i) is intended to reject those cases interpreting Rule 7004(b)(3) and Rule 7004(h) to require service on a named officer, managing or general agent or other agent, rather than use of their titles. Service to a corporation or partnership, unincorporated association or insured depository institution at its proper address directed to the attention of the "Chief Executive Officer," "President," "Officer for Receiving Service of Process," "Managing Agent," "General Agent," "Officer," or "Agent for Receiving Service of Process" (or other similar titles) is sufficient.

MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES

FROM: BUSINESS SUBCOMMITTEE

SUBJECT: 19-BK-D – PROPOSAL REGARDING RULE 7004(h)

DATE: March 6, 2020

George Weiss, an attorney in Potomac, MD, proposed in Suggestion 19-BK-D that Bankruptcy Rule 7004(h)[1] should be amended by "importing the language of" Civil Rule 4(h) (permitting service of process on an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process) to replace the requirement that service be made on "an officer," but retaining the requirement that such service be made by certified mail.

Several suggestions have been made in recent years requesting amendments to Rule 7004(h), most recently in 2017, 17-BK-E, which requested inclusion of credit unions in the Rule. Bankruptcy Rule 7004(h) was enacted verbatim by Congress in Section 114 of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat. 4106. Because, under the Bankruptcy Rules Enabling Act, 28 U.S.C. § 2075, bankruptcy rules cannot override statutory provisions, the Advisory Committee on Bankruptcy Rules lacks the authority to modify Rule 7004(h) in a manner that is inconsistent with federal statutes. Because the text of Rule 7004(h) is in fact statutory, an amendment that modifies that language in the manner suggested by Mr. Weiss is beyond the power of the Advisory Committee, whatever its substantive merits.

Mr. Weiss followed up his initial suggestion with two others. Rather than modifying the statutory language of the rule, he suggested first that the Advisory Committee supplement the rule with a new definition of "officer" to include a resident agent appointed to accept service of process. Although any insured depository institution can designate whomever it chooses as an "officer" of that institution, the Subcommittee concluded that it is not within the power of the Advisory Committee to interpret the term "officer" to include someone the institution has not so designated.

[1] Rule 7004(h) deals with service of process on an insurance depository institution. It requires that such service "be made by certified mail addressed to an officer of the institution" except under certain specified circumstances.

Mr. Weiss's second additional suggestion was that the Advisory Committee add an explanation of what the rule means when it requires certified mail "addressed to an officer of the institution." In particular, he would like Rule 7004 to be amended to add a new provision specifying that any service made on an officer need not name the officer but rather can be addressed to "officer of [name of institution]."

The Advisory Committee saw some merit in pursuing this suggestion and referred the suggestion to the Business Subcommittee to consider it and report back.

Background

This issue of the appropriate address of mailed service of process is not confined to Rule 7004(h); the same issue arises under the general service of process rule, Rule 7004(b)(3), with respect to service on corporations, partnerships and other unincorporated associations.[2] Mailed service on agencies of the United States that constitute corporations are also governed by Rule 7004(b)(3) pursuant to Rule 7004(b)(5). (Because Federal Rule of Civil Procedure 4(h)(1)(B) requires personal service, the issue does not arise outside of the bankruptcy context.)

Courts are divided on whether service is adequate if the officer is not named, both under Rule 7004(h), *compare In re* Exum, 2013 WL 828293, at *4 (Bankr. E.D.N.C. Mar. 6, 2013) (finding service of motion for sanctions addressed to "Officer or Managing Agent" of insured depository institution was valid); Gambill v. Consumer Recovery Assoc. (*In re* Gambill), 477 B.R. 753, 761 (Bankr. E.D. Ark. 2012) (finding service complies even if name of officer served is incorrect on the papers so long as title is accurate); SunTrust Bank v. Braden (*In re* Braden), 516 B.R 672, 676 (Bankr. S.D. Ga. 2014) (suggesting the notice to "Officer" would be sufficient) *with In re* Eimers, 2013 WL 1739645 (Bankr. D. Alaska Apr. 23, 2013) (finding notice sent to "Bank Officer" insufficient); *In re* Franchi, 451 B.R. 604, 606 (Bankr. S.D. Fla. 2011) (stating that service under Rule 7004(h) "must be upon a named officer of the institution unless one of the three enumerated exceptions in that rule apply" absent showing that debtors had exercised reasonable and appropriate diligence to ascertain appropriate agent's identity); Faulknor v. Amtrust Bank (*In re* Faulknor), 2005 WL 102970 (Bankr. N.D. Ga. Jan. 18, 2005) (finding service inadequate when addressed to corporation "Attn: President") and under Rule 7004(b)(3).

[2] Rule 7004(b)(3) provides for service to be made within the United States by first class mail postage prepaid "(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires by also mailing a copy to the defendant."

The leading case interpreting Rule 7004(b)(3) to validate service made on an officer of a corporation by title rather than name is Moglia v. Lowitz & Sons (*In re* Outboard Marine Corp.), 359 B.R. 893 (Bankr. N.D. Ill. 2007). The chapter 7 trustee served a complaint to avoid alleged preferential transfers on the corporate defendant addressed to the corporation's name at the address of its location at the time, a default judgment. The president of the defendant contended that he never received the summons or complaint, and that the service was defective under Rule 7004(b)(3). The court concluded that the text of Rule 7004(b)(3) does not require that the plaintiff name the corporate officer or managing or general agent as long as the mailing is made to the attention of an officer or managing or general agent. *See also In re* Quintero, 513 B.R. 127, 133 (Bankr. D.N.M. 2014); Gowan v. HSBC Mortgage Corp. (*In re* Dreier LLP), 2011 WL 3047692, at *2 (Bankr. S.D.N.Y. July 22, 2011); *In re* Rushton, 285 B.R. 76, 81 (Bankr. S.D. Ga. 2002); Fleet Credit Card Servs., L.P. v. Tudor (*In re* Tudor), 282 B.R. 546, 550 (Bankr. S.D. Ga. 2002); Schwab v. Assocs. Commercial Corp. (*In re* C.V.H. Transport, Inc.), 254 B.R. 331, 334 (Bankr. M.D. Pa. 2000).

On the other side, in *In re* Schoon, 153 B.R. 48, 49 (Bankr. N.D. Cal. 1993) the debtors served a motion to avoid a judgment lien addressed to the corporation "Attn: President" at its correct address. The court found the service deficient under Rule 7004(b)(3). The court noted, "This ruling is hardly a disaster for movants or plaintiffs in bankruptcy litigation; it merely requires a little extra effort to determine the name of the president or other officer and make sure the envelope is addressed to him or her, by name. This is a small price to pay to avoid having to effect personal service." *See also* Beneficial California, Inc. v. Villar (*In re* Villar), 317 B.R. 88, 93 (B.A.P. 9th Cir. 2004); *In re* Porter, 2016 WL 5400358, at *1-2 (Bankr. D. Neb. Sept. 27, 2016) (quoting from *In re* Collins, No. 16-40070 (Bankr. D. Neb. Mar. 8, 2016)); Goodman v Homecomings Financial Network (*In re* Hunt), 2007 WL 7141217 (Bankr. N.D. Ga. 2007) (dictum); *In re* Saucier, 366 B.R. 780, 784 (Bankr. N.D. Ohio 2007) (dictum); *In re* Golden Books, Family Entertainment, Inc., 269 B.R. 300, 305 (Bankr. D. Del. 2001); Addison v. Gibson Equip. Co. (*In re* Pittman Mech. Contractors, Inc.), 180 B.R. 453, 457 (Bankr. E.D. Va. 1995). *Cf.* Carlo v. Orion Omniservices Co. (*In re* Carlo), 392 B.R. 920, 921 (Bankr. S.D. Fla. 2008) (finding that, although individual names are generally required, plaintiff used reasonable and appropriate diligence and service by title was adequate);

Analysis

Rule 7004(b)(3) (and by analogy Rule 7004(h)) were never intended to require that service on an officer, managing or general agent, or other agent be made by name rather than title. Rule 7004(b)(3) is almost identical to former Rule 704(c)(3).[3] The Advisory Committee's

[3] Rule 704(c)(3) provided as follows:

Note to Subdivision (c) to Rule 704 includes the following statement: "In serving a corporation or partnership or other unincorporated association by mail pursuant to paragraph (3) of subdivision (c), **it is not necessary for the officer or agent of the defendant to be named in the address so long as the mail is addressed to the defendant's proper address and directed to the attention of the officer or agent by reference to his position or title**." (Emphasis supplied).

When the Bankruptcy Rules were revised following the enactment of the Bankruptcy Reform Act of 1978, and Rule 704 became 7004, the original Advisory Committee Note to Rule 704 was no longer included in the published version. Instead, the Advisory Committee Note to Subdivision (b) of the Rule simply stated: "*Subdivision (b)*, which is the same as former Rule 704(c), authorizes service of process by first class mail postage prepaid. This rule retains the modes of service contained in former Bankruptcy Rule 704. The former practice, in effect since 1976, has proven satisfactory."[4] There was no indication that the Advisory Committee intended any change in meaning that would now mandate that service be made upon a named individual rather than to the attention of an officer, managing or general agent or other agent by title.

The question of whether Rule 7004 should require that a name be used in making service on an officer, managing or general agent or other agent was explicitly raised at the Sept. 28, 1999 meeting of the Advisory Committee in connection with a discussion of a suggestion by Bankruptcy Judge David H. Adams to insert language in the rules that service on a corporation, partnership, or unincorporated association must comply with Rule 7004(b)(3). The minutes of that meeting[5] describe the discussion as follows:

> Judge Kressel said the rule appears to be ambiguous, because people address service to "ABC Corp., Attention: officer, managing or general agent." The Reporter pointed out the Rule 7004 tracks the language of Civil Rule 4, and that if the Committee were to change Rule 7004 – perhaps to require that a name be used – the Standing committee would want the Committee to coordinate the proposed amendment with the Advisory Committee on Civil Rules. Judge Walker said he

---

(c) Service by Mail. Service of summons, complaint, and notice of trial or pre-trial conference may also be made within the United States by first-class mail postage prepaid as follows:

***

(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons, complaint, and notice directed to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Bankruptcy Rules, Arthur L. Moller & Lawrence P, King, 1981 Collier Pamphlet Edition Part 2 (1981).

[4] Bankruptcy Rules, Lawrence P. King, 1983 Collier Pamphlet Edition Part 2 (1983).

[5] Advisory Committee on Bankruptcy Rules, Meeting of September 27-28, 1999.

has seen a name challenged on the basis there was no proof that the person named had the capacity to receive service on behalf of the corporation. He said the rule is sufficient as it is, and Judge Gettleman agreed. Judge Donald said requiring parties to name an officer, director, or managing agent would create more problems than it would solve. **The Committee determined to take no action on the rule**.

Although neither the Advisory Committee Notes, nor the substance of a discussion within the Advisory Committee rejecting a change to the Rule, is binding on courts interpreting the Rule, they provide persuasive evidence of the interpretation of the Rule by those who drafted it and approved it. These sources suggest that those decisions interpreting Rule 7004 to require that an officer, managing or general agent or other agent be served by name rather than title are incorrect.

Recommendation

Because the Advisory Committee Notes cannot be modified without a change to the text of the Rule, we cannot simply reinsert the Advisory Committee Note that accompanied former Rule 704(c). Therefore, the Subcommittee recommends that, consistent with the suggestion of Mr. Weiss, a new Section 7004(i) be added to the Rule that would include the substance of the former Advisory Committee Note to Rule 704(c) and would read as follows:

(i) SERVICE OF PROCESS BY TITLE. In serving a domestic or foreign corporation or partnership or other unincorporated association by mail pursuant to paragraph (3) of subdivision (b) or an insured depository institution by certified mail pursuant to subdivision (h), it is not necessary for the officer or agent of the defendant to be named in the address -- or, if named, that such name be correct -- so long as the mail is addressed to the defendant's proper address and directed to the attention of the officer or agent by reference to such person's position or title.

Advisory Committee Note

New Rule 7004(i) is intended to clarify that Rule 7004(b)(3) and Rule 7004(h) permit use of a title rather than a specific name in serving a corporation or partnership, unincorporated association or insured depository institution. Service on a corporation or partnership, unincorporated association or insured depository institution at its proper address directed to the attention of the "Chief Executive Officer," "President," "Officer for Receiving Service of Process," or "Officer" (or other similar titles) or, in the case of Rule 7004(b)(3), directed to the attention of the "Managing Agent," "General Agent," or "Agent" (or other similar titles) is sufficient, whether or not a name is also used or such name is correct.

5. Rule 9036 – September 22, 2020 Deliberations by the Advisory Committee on Bankruptcy Rules

Rule 9036 (Notice and Service Generally)

The proposed amendment to Rule 9036 would encourage the use of electronic noticing and service in several ways. The proposed amendment recognizes a court's authority to provide notice or make service through the Bankruptcy Noticing Center ("BNC") to entities that currently receive a high volume of paper notices from the bankruptcy courts. The proposed amendment also reorganizes Rule 9036 to separate methods of electronic noticing and service available to courts from those available to parties. Under the amended rule, both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. But only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The proposed amendment differs from the version previously published for comment. The published version was premised in part on proposed amendments to Rule 2002(g) and Official Form 410. As discussed below, the Advisory Committee decided not to proceed with the proposed amendments to Rule 2002(g) and Official Form 410.

The Advisory Committee received seven comments regarding the proposed amendments, mostly from court clerks or their staff. In general, the comments expressed great support for the program to encourage high-volume paper-notice recipients to register for electronic bankruptcy noticing. But commenters opposed several other aspects of the proposed amendment. The concerns fell into three categories: clerk monitoring of email bounce-backs; administrative burden of a proof-of-claim opt-in for email noticing and service; and the interplay of the proposed amendments to Rules 2002(g) and 9036.

The Advisory Committee addressed concerns about clerk monitoring of email bounce-backs by adding a sentence to Rule 9036(d): "It is the recipient's responsibility to keep its electronic address current with the clerk."

The Advisory Committee was persuaded by clerk office concerns that the administrative burden of a proof-of-claim opt-in outweighed any benefits, and therefore decided not to go forward with the earlier proposed amendments to Rule 2002(g) and Official Form 410 and removed references to that option that were in the published version of Rule 9036. This decision also eliminated the concerns raised in the comments about the interplay between the proposed amendments to Rules 2002(g) and 9036. With those changes, the Advisory Committee recommended final approval of Rule 9036.

The Standing Committee unanimously approved the Advisory Committee's recommendation that the proposed amendments to Rules 2005, 3007, 7007.1, and 9036 be approved and transmitted to the Judicial Conference

> **Recommendation:** That the Judicial Conference approve the proposed amendments to Bankruptcy Rules 2005, 3007, 7007.1, and 9036 as set forth in Appendix B, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

Rules and Official Forms Approved for Publication and Comment

The Advisory Committee submitted proposed amendments to three categories of rules and forms with a request that they be published for public comment in August 2020. The Standing Committee unanimously approved the Advisory Committee's request.

The three categories are: (1) proposed restyled versions of Parts I and II of the Bankruptcy Rules; (2) republication of the Interim Rule and Official Form amendments previously approved to implement the Small Business Reorganization Act of 2019 (SBRA); and (3) proposed amendments to Rules 3002(c)(6), 5005, 7004, and 8023.

Action Item 4. Rule 9036 (Notice and Service Generally). For several years, the Advisory Committee has been considering possible amendments to the Bankruptcy Rules to increase the use of electronic noticing and service in the bankruptcy courts. One set of amendments to Rule 9036 went into effect on December 1, 2019. Proposed amendments to Rule 2002(g) and Official Form 410 that were published along with the 2019 amendments to Rule 9036—authorizing creditors to designate an email address on their proofs of claim for receipt of notices and service—were held in abeyance by the Advisory Committee for further consideration. Additional amendments to Rule 9036 were published for public comment last August.

The recently published amendments to Rule 9036 would encourage the use of electronic noticing and service in several ways. The rule would recognize a court's authority to provide notice or make service through the Bankruptcy Noticing Center ("BNC") to entities that currently receive a high volume of paper notices from the bankruptcy courts. In anticipation of the simultaneous amendments of Rule 2002(g) and Official Form 410, it would also allow courts and parties to serve or provide notice to a creditor at an email address designated on its proof of claim. And it would provide a set of priorities for electronic noticing and service for situations in which a recipient had provided more than one electronic address to the courts.

Seven sets of comments were submitted regarding the proposed amendments to Rule 9036. Most of them were from clerks of court or their staff, and they expressed several concerns about the proposed amendments to Rule 9036, as well as to the earlier published amendments to Rule 2002(g) and Official Form 410.

There was enthusiastic support for the program to encourage high-volume paper-notice recipients to register for electronic bankruptcy noticing. No comments expressed opposition to it or concerns about it.

Many clerks, however, expressed opposition to several other aspects of the proposed Rule 9036 amendments. In addition to individual commenters, commenters included the Bankruptcy Clerks Advisory Group, the Bankruptcy Noticing Working Group, and an ad hoc group of 34 clerks of court. The concerns fell into three categories: clerk monitoring of email bounce-backs; administrative burden of a proof-of-claim opt-in for email noticing and service; and the interplay of the proposed amendments to Rules 2002(g) and 9036.

Clerk monitoring of email bounce-backs. Proposed Rule 9036(d) provides that "[e]lectronic notice or service is complete upon filing or sending but is not effective if the filer or

The Advisory Committee noted that the provision to which objection was raised is also included in the version of Rule 9036 that went into effect in December. The same provision is also in Rule 8011(c)(3), which became effective in 2018. In considering the provision in Rule 8011, the Advisory Committee spent considerable time discussing this provision, and it determined that all users of electronic noticing and service—clerks as well as parties—should be required to make effective service or noticing, which means continuing their efforts if they become aware that their prior attempt failed. The Advisory Committee voted not to change the language in question.

It did, however, decide that the other part of the comment's suggestion—that an additional sentence be added that would make the electronic notice recipient responsible for maintaining and updating its electronic address with the bankruptcy clerk—would be helpful. That directive could reduce the number of bounce-backs. The Advisory Committee therefore voted to add the following sentence to the end of subdivision (d): "It is the recipient's responsibility to keep its electronic address current with the clerk."

Administrative burden of allowing a creditor to opt-in to email noticing and service on its proof of claim. This was the chief concern of the clerks and the Bankruptcy Noticing Working Group and was a concern that was expressed when the amendments to Rules 2002(g), 9036, and Form 410 were published in 2017. Without an automated process to retrieve email addresses in proofs of claim, clerks say that they will have to manually review every proof of claim to determine if the email box was checked and an email address was listed. According to one clerk, even automation will not solve all the problems because paper proofs of claim will still be filed, and they will contain errors and illegible entries that will require staff time to resolve. Several of the comments noted that the high-volume paper-notice program will produce significant savings for the courts, and that any savings resulting from low-volume users opting into email notice will be outweighed by administrative costs.

The proposal for email opt-in on proofs of claim would not be just for the benefit of the judiciary, which already has the Electronic Bankruptcy Noticing program. Instead, it was also intended to benefit parties, who could save mailing costs in serving creditors who opt into email notice. Because parties cannot be forced to accept electronic service and notice, an opt-in procedure seemed to be the best approach. And providing that opportunity in the proof of claim seemed the best mechanism to pursue since Rule 2002(g)(1)(A) already provides that "a proof of claim filed by a creditor . . . that designates a mailing address constitutes a filed request to mail notices to that address." Under subdivision (g)(1) of that rule, notices required to be mailed to a creditor "shall be addressed as such entity . . . has directed in its last request filed in the particular case." The amendment to Rule 2002(g) published in 2017 would expand that rule to include email addresses, and Rule 9036 would recognize transmission to that email address as a proper means of service or noticing.

In deciding not to go forward in 2018 with the amendments to Rule 2002(g) and Form 410 that would provide for opting into email service, the Advisory Committee accepted the concerns that were raised then by clerks about the lack of an automated means of retrieving the designated

email addresses. The Advisory Committee was told then that such automation would not be feasible until 2021. The decision in 2019 to propose the new amendments to 9036, with the anticipation that approval would also be sought for the Rule 2002(g) and Form 410 amendments, was made with the expectation that automation would be feasible by the amendments' December 1, 2021 effective date.

One clerk said, however, that even with automation, the burden on the clerk's office will still be too great because of the number of paper proofs of claim that will be filed. While the comment from the Bankruptcy Noticing Working Group suggested some ways that burden might be reduced, the Advisory Committee decided that the proof-of-claim check-box option should not be pursued. Deciding not to go forward with the proposed amendments to Rule 2002(g) and Official Form 410, and deleting references to that option in Rule 9036, would allow the courts to receive the benefits of the high-volume paper-notice program, which is anticipated to result in significant savings to the judiciary, without imposing what many clerks perceive as an undue burden on them of having to review proofs of claim for email addresses. This approach does not provide any benefit to parties, however, because they will not have access to electronic addresses registered with the BNC, but it is anticipated that future improvements to CM/ECF will allow the entry of email addresses in a way that will be accessible to parties as well as to those within the court system. Language proposed by the Subcommittee in Rule 9036(b)(2) would allow for that future possibility. Accordingly, the Advisory Committee voted unanimously to approve the revised version of the published amendments to Rule 9036 that is set forth in the appendix.

Interplay of the proposed amendments to Rules 2002(g) and 9036. Given the Advisory Committee's recommendation not to go forward with the proposed amendments to Rule 2002(g) and Official Form 410, this concern raised by the comments is no longer an issue.

* * * * *

6. BAIA Trustee Payments

Exposure Draft

Guide to Judiciary Policy

Vol. 13: Finance and Budget
Ch. 11: Chapter 7 Trustee Payments

Appx. 11A: Regulations for Trustee Payments Under 11 U.S.C. § 330(e)

Section 1: Overview

(a) Purpose and Authority

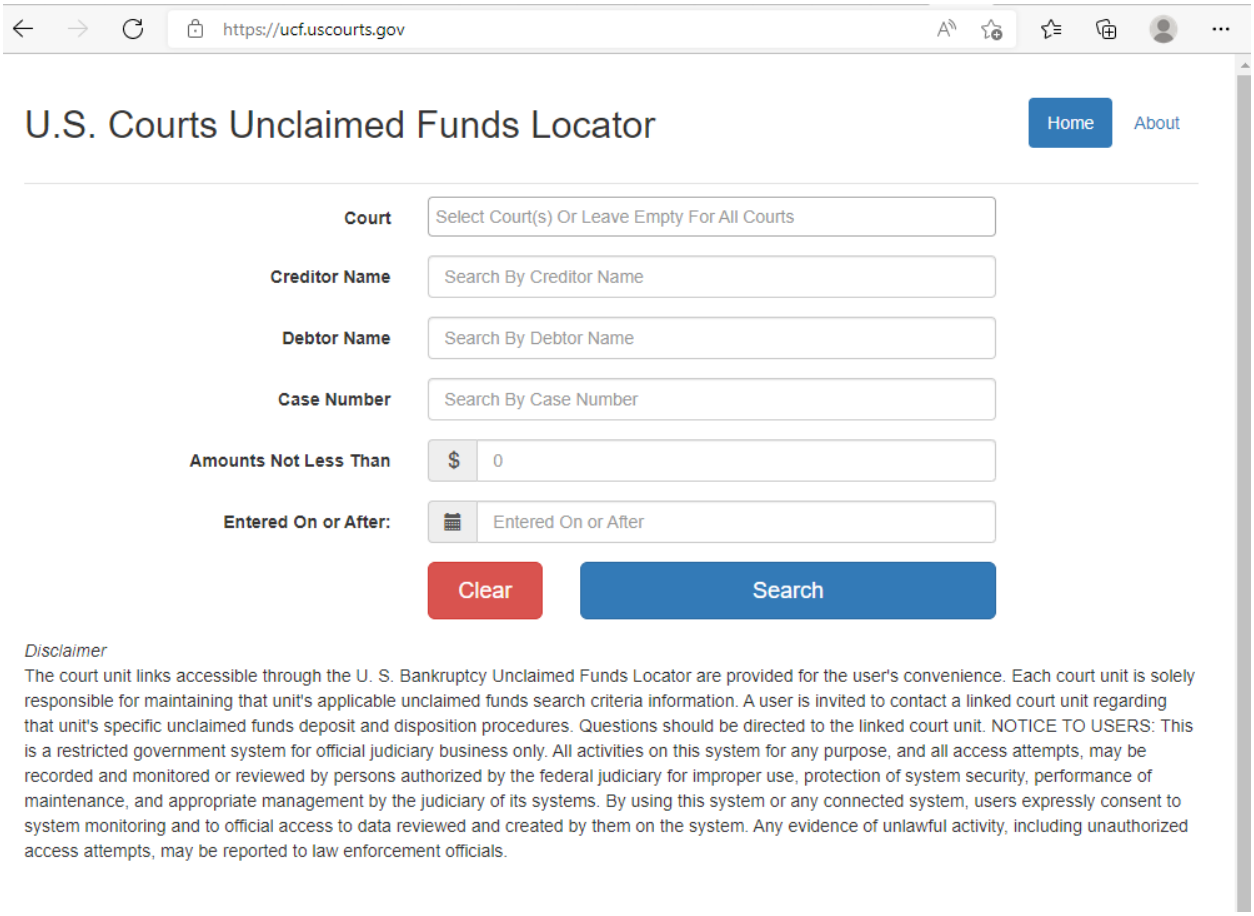
These regulations are authorized under 11 U.S.C. § 330(e) (Compensation of officers), subsection (e)(6) of which requires the Director of the Administrative Office of the U.S. Courts (AO) to issue regulations governing the administration of a payment to trustees who rendered services in a case under chapter 7 of title 11 of the United States Code (Bankruptcy Code). These regulations establish the eligibility and process for chapter 7 trustees to make claims for payment under § 330(e).

(b) Applicability

These regulations apply to the following:

- U.S. territorial courts (Guam, Northern Mariana Islands, and the U.S. Virgin Islands)
- U.S. bankruptcy courts
- Administrative Office of the U.S. Courts
- Trustees serving in cases filed under or converted to 11 U.S.C. chapter 7 (Liquidation)

7. Unclaimed Funds



Fill in this Information to identify the case:			
Debtor 1	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name

United States Bankruptcy Court for the Northern District of West Virginia

Case number:

WVNB Form 1340 (1/20)

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

1. Claim Information

For the benefit of the Claimant(s)[1] named below, application is made for the payment of unclaimed funds on deposit with the Clerk of Court for the U.S. Bankruptcy Court for the Northern District of West Virginia. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:	$
Claimant's Name:	
Claimant's Current Mailing Address, Telephone Number, and Email Address:	

2. Applicant Information

Applicant[2] represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- ☐ Applicant is the Claimant and is the Owner of Record[3] entitled to the unclaimed funds appearing on the records of the court.
- ☐ Applicant is the Claimant and is entitled to the unclaimed funds by assignment, purchase, merger, acquisition, succession or by other means.
- ☐ Applicant is Claimant's representative (*e.g.*, attorney or unclaimed funds locator).
- ☐ Applicant is a representative of the deceased Claimant's estate.

3. Supporting Documentation

☐ Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

4. Notice to United States Attorney

☐ Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney
Northern District of West Virginia
U.S. Courthouse and Federal Building
Suite 3000
1125 Chapline Street
Wheeling, WV 26003

5. Applicant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

_____
Signature of Applicant

_____
Printed Name of Applicant

Address:

Telephone: _____

Email: _____

5. Co-Applicant Declaration (if applicable)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

_____
Signature of Co-Applicant (if applicable)

_____
Printed Name of Co-Applicant (if applicable)

Address:

Telephone: _____

Email: _____

6. Notarization

STATE OF _____

COUNTY OF _____

This Application for Unclaimed Funds, dated _____ was subscribed and sworn to before me this_____day of_____, 20_____by

_____
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public _____

My commission expires:

6. Notarization

STATE OF_____

COUNTY OF_____

This Application for Unclaimed Funds, dated _____ was subscribed and sworn to before me this_____day of_____, 20_____by

_____
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public_____

My commission expires:

8. Outreach and Seeking Changes to Practices and Procedures

Listserv: **About 150 members:**
WVBANKRUPTCY@NYED.USCOURTS.GOV

2022/04/11 12:51:28	POST	eric.m.wilson@WV.GOV	Re: Chapter 13 Trustee mailing address for payments
2022/04/11 13:14:50	POST	sheehanparalegal@WVDSL.NET	Re: Chapter 13 Trustee mailing address for payments
2022/04/11 17:03:18	POST	kellykotur@DAVISANDKOTUR.COM	Nondischargeability of malicious prosecution
2022/04/11 17:14:19	POST	sheehanbankruptcy@WVDSL.NET	Re: Nondischargeability of malicious prosecution
2022/04/12 15:56:41	POST	sheehanbankruptcy@WVDSL.NET	A new indicator of tough economic times
2022/04/13 08:52:30	POST	sthomas@KAYCASTO.COM	Re: A new indicator of tough economic times
2022/04/15 10:20:02	POST	todd@JLAWPLLC.COM	Reminder: WV Bankruptcy CLE social mixer RSVP deadline is today!
2022/04/15 16:33:10	POST	hmmorris@WVTRUSTEE.ORG	Re: Reminder: WV Bankruptcy CLE social mixer RSVP deadline is today!
2022/04/15 19:23:32	POST	clawoffice@CLAGETTMAIL.COM	Re: Reminder: WV Bankruptcy CLE social mixer RSVP deadline is today!
2022/04/15 21:11:29	POST	sthompson@BARTH-THOMPSON.COM	Re: Reminder: WV Bankruptcy CLE social mixer RSVP deadline is today!
2022/04/20 08:27:42	POST	sthomas@KAYCASTO.COM	FW: Rochelle's Daily Wire: Supreme Court Hears Argument on Constitutionality of 2018 Increase in U.S. Trustee Fees (Siegel v. Fitzgerald, 21-441 (Sup. Ct.)
2022/04/21 08:50:41	POST	Ryan_Johnson@WVNB.USCOURTS.GOV	WVNB New Memorandum Opinion: Comm 2013 CCRE12 Crossings Mall Road, LLC v. Tara Retail Group, LLC (In re Tara Retail Group, LLC), Adv. Proc No. 21-1 (Bankr. N.D.W. Va. April 20, 2022)
2022/04/27 16:39:06	POST	Gary.O.Kinder@USDOJ.GOV	Application for Appointment of Standing Ch. 13 Trustee
2022/04/28 17:53:03	POST	kellykotur@DAVISANDKOTUR.COM	Non bankruptcy question
2022/04/28 18:42:31	POST	joecaldwell@FRONTIER.COM	Re: Non bankruptcy question
2022/04/28 19:27:35	POST	David.Nalley@RSLEGAL.COM	Re: Non bankruptcy question

Home » Programs & Services

LISTSERV

Information on using the LISTSERV

The Bankruptcy Clerks' Offices for the Northern and Southern Districts of West Virginia jointly created and administer an email listserv for the promotion of professionalism, collegiality, and the exchange of knowledge among members of the bankruptcy bar and those involved in our bankruptcy system. The listserv is open to: (1) licensed West Virginia attorneys; (2) attorneys representing the United States, (3) the West Virginia Office of the Regional U.S. Trustee Program, (4) West Virginia Bankruptcy Court and Clerk staff, and (5) law students considering a bankruptcy related practice in West Virginia.

The listserv is named WVBankruptcy@nyed.uscourts.gov

To send a message to all the people currently subscribed to the list, just send mail to WVBankruptcy@nyed.uscourts.gov. This is called "sending mail to the list," because you send mail to a single address and listServ makes copies for all the people who have subscribed.

The court is not responsible for the content of any message sent to the listserv and does not endorse any viewpoint discussed therein. No confidential information should be submitted, and individual members should take into account the fact that all members of the listerv will be able to view and/or respond to messages.

You must be a subscriber to the listserv before sending and receiving messages, if you are not subscribed your message will be returned undeliverable.

Bench-Bar Meetings

Chapter 13 Bench – Bar Committee Meeting

WVNB

January 10, 2022

1:30 pm

Direct Contact with Clerk's Office

Listserv

Email

Telephone

In person

US Bankruptcy Court
Frederick P. Stamp, Jr. Federal Building and
United States Courthouse
1125 Chapline Street
Wheeling, WV 26003
(304)-233-1655

Robert C. Byrd U.S. Courthouse
300 Virginia Street East, Room 3200
Charleston, West Virginia 25301
Phone: (304) 347-3003